IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18551 OF 2005

Dated : August 22, 2005

Between:

Nooli V.R.S. Satish

Petitioners

AND

The Mandal Revenue Officer,

Penugonda Mandal, Penugonda,

West Godavari District and two others.

Respondents

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18551 OF 2005

ORAL ORDER:

Aggrieved of the action of the respondents in taking steps to demolish the petitioners house bearing No.3-59 (Old No.3-89), Penugonda village and Mandal, West Godavari District, without issuing notice, the present writ petition is filed.

It is submitted that the petitioner is the owner and possessor of the above said house. While so, the 2nd respondent passed a resolution to clear the road to the width of 34 feet and proposed to construct a drain at the road edge abutting the petitioner's building, for which they have demolished the compound wall, as long back as in September, 2004. But when the first respondent visited the premises and informed that the petitioner's house in the encroachment and as such it has to be demolished, he has resisted. It is further stated that on the application of the petitioner's father, a survey was conducted and a certificate has been issued to the effect that the petitioner's house is well within the site. But the respondents, taking the demolition as a prestige issue, are bent upon to demolish the house, as such the petitioner filed this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader.

The issue involved in this writ petition is no more *res integra* in view of the guidelines issued by a Division Bench of this court in *Pilli Lakshmana Rao and others Vs. Executive Officer, Gram Panchayath, Challapalle and others ()*, wherein it is held that when any property is required for public purpose, the authorities straightaway cannot take the law into their hands and jump into the premises and attempt to evict the occupants or dispossess them or demolish their property. Before taking any such action, the authorities concerned shall issue a notice notifying as to the nature of the property, the purpose for which it is required, to whom it belongs and the action proposed calling for explanation or objections, if any, from the occupants and after considering the said objections or explanation, the authorities shall pass appropriate orders.

Having regard to these guidelines, the respondents are directed to

follow the guidelines issued in *Pilli Lakshmana Rao* case, if they intend to demolish the dwelling houses of the petitioners, as averred in the affidavit.

With these directions, the writ petition stands disposed of. No order as to costs.

Elipe Dharma Rao, J.

August 22, 2005

MAS.